

REMARKS

The Interview Summary dated August 6, 2007 has been reviewed and the comments of the Examiner have been considered. As described in the Interview Summary, the July 26, 2007 interview was directed to the supplemental amendment filed July 23, 2007 and the rejoining of claims in view of the verbal indication of allowance of claim 51. At the conclusion of the interview the allowance of the claim 51 was withdrawn in view of U.S. Patent No. 2,155,990 to Hodgman ("Hodgman"), and applicants now submit this second supplemental amendment in response. Claim 51 has been amended, and applicants again propose to withdraw the restriction requirement with respect to several claims. Claims 1, 135 and 137 have been cancelled and claims 2, 3, 5, 8, 9, 10, 12-26, 52-54, 62-71, and 75-134 stand withdrawn. Applicants again thank the Examiner for the indication of allowance of claims 27-35, 48-51, 55-57, 136 and 138-153. Entry of this supplemental amendment is respectfully requested.

Claim 51 stands rejected as being unpatentable over Hodgman. Claim 51 has been amended to recite, a dry sprinkler comprising, among other features, a structure defining a passageway extending along a longitudinal axis between an inlet and an outlet, a metallic disc annulus having a face disposed about a central axis between an inner perimeter and an outer perimeter, a support member for the metallic disc annulus, first means for translating the metallic disc annulus along the longitudinal axis between a first position and a second position; and second means for repositioning the central axis of the face skewed to the longitudinal axis within the passageway between the first position and the second position, the second means being located between the first and the second position and longitudinally spaced from the support member for the metallic disc annulus when the annulus is in either one of the first and second positions. Support for the amendment is provided in the application as originally filed at, for

example, paragraph numbers [0085], [00110] and FIG. 3A. Applicants submit that Hodgman does not show or describe structure corresponding to the second means as claimed. In particular, the sprinkler head of Hodgman does not have structure for repositioning the central axis of the face of the metallic disc annulus skewed to the longitudinal axis between a first and second position, where such structure is located between the first and second positions and longitudinally spaced from the support member of the metallic disc annulus when the annulus is in either one of the first and second positions. Instead, Hodgman shows and describes a valve 15 with a lug 16 and pivoted at 17 to lugs depending from a disk 12. *See* Hodgman, page 2, lines 14-16. The valve 15 is arranged under normal conditions to seat upwardly against the valve seat 14 and close the inlet port and, when open, swing downward out of alignment with inlet port and remain attached to the casing. *See id.*, lines 14-23, FIG. 3. A gasket 21 of suitable material, such as copper, is preferably secured to the valve 15 to coact with the seat 14 and secure a tight closure. *See id.*, lines 41-42. Accordingly, to the extent the lugs 16 and pivot point 17 function to reposition the face of the valve 15 and the gasket 21 in Hodgman, these structures are never “longitudinally spaced” from the support or valve 15 of gasket 21; rather, lugs 16 and its pivot remain attached to the valve or support 15 of gasket 21. Because, the Hodgman fails to show or describe the second means as claimed, Hodgman fails to show each and every feature as claimed in claim 51. Therefore, claim 51 is patentable over Hodgman.

Previously presented claims 4, 6, 7, and 11 depend from independent claim 51 and are patentable over Hodgman for at least the same reason. To the extent that the Examiner still agrees that the “structure,” “support member,” “first means,” “metallic disc annulus,” and “second means,” as now recited in claim 51, render claim 51 generic at least with respect to the species embodied in any one of figures: (i) FIGS. 3A-3F; (ii) FIGS. 4A-4E; and (iii) FIGS. 8A-

8F, applicants again submit that the restriction with regard to claims 4, 6, 7, and 11 should be withdrawn and the claims allowed. MPEP 821.04 (a).

In addition, because independent claim 51 generically reads upon at least the species identified above, applicants submit that the restriction requirement with regard to withdrawn independent claims 58, and 72 should be withdrawn and the claims reconsidered. Like claim 51, independent claims 58, and 72 read upon one or more of the species embodied in (i) FIGS. 3A-3F; (ii) FIGS. 4A-4E; and (iii) FIGS. 8A-8F. Specifically, independent claim 58 reads upon the embodiment shown in FIGS. 4A-4E and independent claim 72 reads upon FIGS. 8A-8F. Accordingly, applicants respectfully request for the restriction requirement with regard to independent claims 58 and 72 and the claims respectively depending therefrom be withdrawn and the claims reconsidered.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully request reconsideration of this application and the prompt allowance of at least claims 4, 6, 7, 11, 27-51, 55-61, 72-74, 136, and 138-153. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3081. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

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Respectfully submitted,

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